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09-26473/106595974

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF ARIZONA

IN RE:

Michel Frederick Kaiser and Marcia Lynn Kaiser

Debtors.

BAC Home Loan Servicing, L.P. fka Countrywide
Home Loans Servicing, L.P.

Movant,
vs.

Michel Frederick Kaiser and Marcia Lynn Kaiser,
Debtors; Russell A. Brown, Trustee.

Respondents.

No. 2:09-bk-25074-EWH

Chapter 13

**RESPONSE TO OBJECTION TO
PROOF OF CLAIM**

BAC Home Loan Servicing, L.P. fka Countrywide Home Loans Servicing, L.P. a secured creditor, by its attorneys, TIFFANY & BOSCO, P.A., hereby responds to Debtors' Objection to the Proof of Claim filed by BAC Home Loan Servicing, L.P. fka Countrywide Home Loans Servicing, L.P. as follows:

1. DENY OBJECTIONS 1-2: Respondents state that BAC Home Loans is not shown to have standing and the Note and Deed of Trust list Paragon Home Lending, LLC as the note holder. Respondents acknowledge BAC Home Loans Servicing as the creditor in the Debtor Schedules and Chapter 13 Plan and attached hereto and incorporated herein by this reference is Exhibit “A”, a copy of the note which is endorsed to Countrywide Home Loans Servicing and Exhibit “B”, a copy of the Certificate of Amendment to the Certificate of Limited Partnership.

2. DENY OBJECTION #3: Respondent states there is no evidence of any transfer of interest. Attached hereto and incorporated herein by this reference as Exhibit “C” is a copy of the MERS Exhibit listing BAC Home Loan Servicing, LP as the servicer.

3. DENY OBJECTION #4: Movant references Federal Rules of Bankruptcy Procedure Rule 3001(c) which requires creditors to file a writing with its proof of claim and Chase Home Finance has failed to do so. As shown on the court docket the Deed of Trust and the Note were attached to the Proof of Claim 7-1. Chase Home Finance is not the servicer of this loan.

WHEREFORE, Secured Creditor requests this Court to overrule Debtors' Objection to the Proof of Claim filed by Joseph W. Charles, Esq. and requests that Debtors pay the correct arrearage amount as stated in Movant's Proof of Claim, along with interest at the Note Rate and the attorney's fees and costs

DATED this January 4, 2010.

Respectfully submitted,

TIFFANY & BOSCO, P.A.

BY /s/ MSB # 010167

Mark S. Bosco

Leonard J. McDonald

Attorneys for Movant

1 COPY of the foregoing mailed this
2 _____ of _____, 2010 to:

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